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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

STRODER, CARRIE A

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. This is in response to the applicant's communication filed on 23 June 2010, wherein:

Claims 1-4, 6-11, and 13-16 are currently pending;

claims 5, 12, and 17-18 are cancelled; and

claims 1-2, 4, 6-11, and 13-16 are currently amended.

Claim Objections

1. Claim 13 is objected to because of the following informalities: in the last line of the claim, "product internet" should be "product intranet". Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1-3, 9, 13, and 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Hunt et al. (US 6915338).**

Referring to claim 1:

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Hunt discloses

providing a product intranet blueprint describing modules required for the product, wherein the modules are operable to transmit and receive wireless messages according to a product intranet, each module including description data describing capabilities of said modules, and wherein at least one module is a primary module operable to establish and co-ordinate said product intranet (col. 11, line 4 thru col. 12, line 36; "...a physical blueprint..." and "...hardware/software resources that are all interconnected via a wireless and/or wire-based communication network..." and where each computer inherently includes description data describing its capabilities, as BIOS contains that information and where it is inherent that at least one module is operable to establish and coordinate the product intranet),

selecting modules for the product including the primary module based on modules respective description data and the product intranet blueprint (col. 11, lines 46-56; "...the policy module effectively dictates when hardware/software resources should be added (or removed) to support the changing demands of the Internet service");

arranging the selected modules including said primary module in a product housing (col. 1, lines 26-44; "IDCs, which

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also go by the names "Webfarms" and "server farms", typically house hundreds to thousands of computers in climate-controlled, physically secure buildings"); and

establishing said product intranet comprising said selected modules and by which said product intranet at least in part operates (col. 11, line 4 thru col. 12, line 36; "...hardware/software resources that are all interconnected via a wireless and/or wire-based communication network...").

Referring to claim 2:

Hunt discloses wherein said product blueprint further includes product program code for said primary module, and wherein said blueprint is uploaded to the primary module prior to establishing said product intranet (col. 10, line 61 thru col. 11, line 25; "The application provides a complete logical representation of the service that will eventually be implemented at the Internet data center. The application may be stored on disk or some other form of computer-readable medium" and "Once a logical model is created, an automatic computer-based deployment system uses the logical model to deploy various computer/software resources to implement the application...It then dynamically and automatically modifies the resources used to implement the application in an ongoing basis as the operating parameters of the application change.").

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Referring to claim 3:

Hunt discloses wherein the modules include unique identifiers and wherein the establishing of said product intranet comprises the primary module wirelessly exchanging a network identifier with the identifiers of the other selected modules to register said modules (col. 11, line 4 thru col. 12, line 36; "...hardware/software resources that are all interconnected via a wireless and/or wire-based communication network..." and where use of an unique identifier, such as an IP address is inherent in using an intranet).

Referring to claim 9:

Hunt discloses
a housing having a plurality of electronic modules each having radio unit for transmitting and receiving wireless messages according to a product intranet (col. 1, lines 26-44 and col. 11, line 4 thru col. 12, line 36; "IDCs, which also go by the names "Webfarms" and "server farms", typically house hundreds to thousands of computers in climate-controlled, physically secure buildings" and "...hardware/software resources that are all interconnected via a wireless and/or wire-based communication network..." and where wireless internet inherently uses a radio unit), and wherein at least one of the modules is a primary module having

a memory for storing a product intranet blueprint (col. 10, line 61 thru col. 11, line 25; "Once a logical model is created, an automatic computer-based deployment system uses the logical model to deploy various computer/software resources to implement the application...It then dynamically and automatically modifies the resources used to implement the application in an ongoing basis as the operating parameters of the application change." and where a computer inherently includes memory); and

a microcontroller for establishing said product intranet according to the product intranet blueprint (col. 10, line 61 thru col. 11, line 25; "Once a logical model is created, an automatic computer-based deployment system uses the logical model to deploy various computer/software resources to implement the application...It then dynamically and automatically modifies the resources used to implement the application in an ongoing basis as the operating parameters of the application change." and where a computer inherently includes a microprocessor, which is interpreted as a "microcontroller").

Further, "for transmitting and receiving wireless messages according to a product intranet," "for storing a product intranet blueprint" and "for establishing said product intranet according to the product intranet blueprint" are statements of

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intended use. Statements of intended use do not limit the scope of a claim or claim limitation. See MPEP 2106.

Referring to claim 13:

Hunt discloses

radio unit for receiving a product intranet blueprint and for transmitting and receiving wireless messages from other electronic modules arranged in a product housing according to a product intranet (col. 1, lines 26-44 and col. 11, line 4 thru col. 12, line 36; "IDCs, which also go by the names "Webfarms" and "server farms", typically house hundreds to thousands of computers in climate-controlled, physically secure buildings" and "...hardware/software resources that are all interconnected via a wireless and/or wire-based communication network..." and where wireless internet inherently uses a radio unit),

a storage memory for storing module description data and for storing said product intranet blueprint (col. 10, line 61 thru col. 11, line 25; "Once a logical model is created, an automatic computer-based deployment system uses the logical model to deploy various computer/software resources to implement the application...It then dynamically and automatically modifies the resources used to implement the application in an ongoing basis as the operating parameters of the application change." and where a computer inherently includes memory),

a microcontroller for establishing said product intranet in accordance with said product intranet blueprint (col. 10, line 61 thru col. 11, line 25; "Once a logical model is created, an automatic computer-based deployment system uses the logical model to deploy various computer/software resources to implement the application...It then dynamically and automatically modifies the resources used to implement the application in an ongoing basis as the operating parameters of the application change." and where a computer inherently includes a microprocessor, which is interpreted as a "microcontroller").

Further, "for receiving a product intranet blueprint and for transmitting and receiving wireless messages from other electronic modules," "for storing module description data and for storing said product intranet blueprint" and "for establishing said product intranet in accordance with said product intranet blueprint" are statements of intended use. Statements of intended use do not limit the scope of a claim or claim limitation. See MPEP 2106.

Referring to claim 15:

Hunt discloses a keypad part (col. 10, line 61 thru col. 11, line 25; "Once a logical model is created, an automatic computer-based deployment system uses the logical model to deploy various computer/software resources to implement the

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application...It then dynamically and automatically modifies the resources used to implement the application in an ongoing basis as the operating parameters of the application change." and where a computer inherently includes a keypad).

Referring to claim 16:

Hunt discloses a display part (col. 10, line 61 thru col. 11, line 25; "Once a logical model is created, an automatic computer-based deployment system uses the logical model to deploy various computer/software resources to implement the application...It then dynamically and automatically modifies the resources used to implement the application in an ongoing basis as the operating parameters of the application change." and where a computer inherently includes a display).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for

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establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt et al. (US 6915338), in view of Haulin et al. (US 20060179128).

Referring to claim 4:

Hunt discloses a method and system for making an internet data center as set forth in claim 1. Hunt does not disclose wherein the selected modules are arranged within a shielded area prior to establishing said intranet to ensure only selected modules are included in said intranet. Similarly to Hunt, Haulin teaches managing programmable and/or reconfigurable modules.

Haulin teaches wherein the selected modules are arranged within a shielded area prior to establishing said intranet to ensure only selected modules are included in said intranet (paragraph 12; "A communication node, such as an optical transceiver, is normally placed inside an electromagnetic shielded cabinet in order to protect the units therein from interference with external radio signals. Such shielding

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typically renders an alternative wireless access impossible, for instance by means of a radio interface." and further, *to ensure only selected modules are included in said intranet* is not a positive claim limitation and therefore, receives little patentable weight).

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the system disclosed in Hunt to incorporate arranging the selected modules within a shielded area prior to establishing said intranet to ensure only selected modules are included in said intranet as taught by Haulin because this would provide increased security, thus aiding the client by ensuring a higher level of security.

Referring to claim 8:

Hunt discloses a method and system for making an internet data center as set forth in claim 1. Hunt does not disclose wherein said product housing comprises shielding which restricts the range of the intranet to substantially within said housing. Similarly to Hunt, Haulin teaches managing programmable and/or reconfigurable modules.

Haulin teaches wherein said product housing comprises shielding which restricts the range of the intranet to substantially within said housing (paragraph 12; "A

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communication node, such as an optical transceiver, is normally placed inside an electromagnetic shielded cabinet" and where "cabinet" is interpreted as *housing*).

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the system disclosed in Hunt to incorporate wherein said product housing comprises shielding which restricts the range of the intranet to substantially within said housing as taught by Haulin because this would provide increased security, thus aiding the client by ensuring a higher level of security.

4. Claims 6-7, 10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt et al. (US 6915338), in view of Lau (US 6690657).

Referring to claim 6:

Hunt discloses a method and system for making an internet data center as set forth in claim 1. Hunt does not disclose wherein the transmit power of the modules is decreased to restrict the range of the product intranet. Similarly to Hunt, Lau teaches a wireless network.

Lau teaches wherein the transmit power of the modules is decreased to restrict the range of the product intranet (col. 3, line 60 thru col. 4, line 5; "in a localized wireless network, lower power and shorter range can be desirable attributes, as

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they decrease harmful interference with neighbors and unintended recipients, increase security and isolation, and allow for smaller, simpler transceiver designs.").

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the teachings of Hunt to incorporate wherein the transmit power of the modules is decreased to restrict the range of the product intranet as taught by Lau because this would decrease interference with other electronic products, thus aiding the client by providing a better signal.

Referring to claim 7:

Hunt discloses a method and system for making an internet data center as set forth in claim 1. Hunt does not disclose wherein the transmit power of the modules is decreased to restrict the range of the product intranet. Similarly to Hunt, Lau teaches a wireless network.

Lau teaches wherein the range of the intranet is between one centimetre and one metre (col. 6, lines 53-67; "...path of a few meters..." implies that the range may include up to one meter).

Further, the range is a design choice. It would have been obvious to a person having ordinary skill in the art at the time of invention to choose a range between one centimeter and one

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meter when practical, so as to decrease electronic interference with other electronic products thus aiding the client by providing a better signal.

Referring to claim 10:

Hunt discloses a method and system for making an internet data center as set forth in claim 1. Hunt does not disclose a controller for controlling the power output by said transceiver means. Similarly to Hunt, Lau teaches a wireless network.

Lau teaches a controller for controlling the power output by said transceiver means (col. 3, line 60 thru col. 4, line 5; "in a localized wireless network, lower power and shorter range can be desirable attributes, as they decrease harmful interference with neighbors and unintended recipients, increase security and isolation, and allow for smaller, simpler transceiver designs." implies controlling the power output).

Referring to claim 14:

Hunt discloses a method and system for making an internet data center as set forth in claim 1. Hunt does not disclose wherein the transmit power of the modules is decreased to restrict the range of the product intranet. Similarly to Hunt, Lau teaches a wireless network.

Lau teaches a controller for controlling said radio unit to limit the range over which said intranet operates (col. 3, line

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60 thru col. 4, line 5; "in a localized wireless network, lower power and shorter range can be desirable attributes, as they decrease harmful interference with neighbors and unintended recipients, increase security and isolation, and allow for smaller, simpler transceiver designs.").

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt et al. (US 6915338), in view of Lau (US 6690657), and further in view of Feezor (US 3793484).

Referring to claim 11:

Hunt discloses a method and system for making an internet data center as set forth in claim 1. Similarly to Hunt, Lau teaches a wireless network. Hunt and Lau do not disclose wherein said controller further comprises a programmable attenuator. Similarly to Hunt and Lau, Feezor teaches adjusting a radio signal.

Feezor teaches wherein said controller further comprises a programmable attenuator (col. 1, lines 44-59; "...programmable attenuator...").

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the teachings of Hunt and Lau to incorporate a controller which further comprises a programmable attenuator as taught by Feezor because this would provide a manner in which to control the

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power output, thereby increasing battery life and reducing electronic interference with other electronic components, thus providing the consumer with a longer lasting and higher quality signal.

Response to Arguments

6. Applicant's arguments with respect to claims 1-4, 6-11, and 13-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARRIE A. STRODER whose telephone number is (571)270-7119. The examiner can normally be reached on Monday - Thursday 8:00 a.m. - 5:00 p.m. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan Mooneyham can be reached on (571)272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CARRIE A. STRODER/
Examiner, Art Unit 3689

/Janice A. Mooneyham/
Supervisory Patent Examiner, Art Unit 3689